

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Deago Evan Fox, also known as,
Brendan Evan Hole,

Plaintiff,

Civil 14-3125 ADM/FLN

v.

O R D E R

Lower Sioux Tribal Court, and,
Judge Andrew Small,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated September 24, 2014, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that

1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 2), is **DENIED**;
2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$400.00, in accordance with 28 U.S.C. § 1915(b)(2);
4. For purposes of 28 U.S.C. § 1915(g), this action is dismissed "on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted"; and
5. Plaintiff's remaining motions for Appointment of Counsel (ECF No. 3), for Hearing of Review/Change of Venue (ECF No. 4); to Alter/Amend/Supplement Pleadings (ECF No. 10); and to Transfer/Change Venue and/or Recusal of the Bench (ECF No. 11), are **DENIED AS**

MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: October 16, 2014

s/Ann D. Montgomery
ANN D. MONTGOMERY
United States District Court Judge